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Commissioner for Patents

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TRANSMITTED TO USPTO CENTRAL FAX NO. 703-872-9306

OFFICIAL

RE: Kimio TATSUNO et al., US Appl'n No. 10/087,784
 Atty Docket 520.41386X00
Examiner L. Scott, Jr. - AU 2828 - USPTO Conf. No. 8829

SUBMISSION OF REQUESTS

Sir:

Applicant hereby transmits the attached "Request for Withdrawal of Examiner's Amendment and Request for Corrected Notice of Allowability" (3 pages) for entry in the above-identified application.

CERTIFICATE OF TRANSMISSION:

I hereby certify that the attached "Request for Withdrawal of Examiner's Amendment and Request for Corrected Notice of Allowability" (3 pages) is being **FORMALLY TRANSMITTED** via the USPTO Central Facsimile No. 703-872-9306 on **8 June 2004**.

Patricia J. Jaquett

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520.41386X00/NT0586US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kimio TATSUNO *et al.*
Serial No. : 10/087,784
Filed : 05 March 2002
For : OPTICAL TRANSMITTER MODULES
Group AU : 2828
Examiner : L. Scott, Jr.
Confirm No. : 8829

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**REQUEST FOR WITHDRAWAL OF EXAMINER'S AMENDMENT
AND REQUEST FOR CORRECTED NOTICE OF ALLOWABILITY**

Mail Stop Issue Fee
Commissioner for Patents
POB 1450
Alexandria, Virginia 22313-1450

8 June 2004

Sir:

A Notice of Allowance and Fee(s) Due Form PTOL-85 was mailed on 30 April 2004 in connection with the above-identified application. Applicant respectfully requests withdrawal of the Examiner's Amendment attached to the Notice of Allowability, and mailing of a Supplemental (corrected) Notice of Allowability for the following reasons.

On 26 April 2004, an Examiner Interview by telephone was conducted in the present application by and between Primary Examiner Leon Scott, Jr. and Attorney Paul J. Skwierawski. During the aforementioned Examiner Interview, the Examiner was informed that Applicant did not wish to substantively amend pending Claims 1, 2, 5-7 and 9-23 in view of Watterson *et al.* Therefore, Applicant would await a

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Req. W/D Ex.'s Amdt. dat d 8 June 2004

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written Communication from the Examiner, either a further Action or a Notice of Allowance. However, Attorney Skwierawski also informed the Examiner that the preambles to Claims 15-23 needed to be very minorly amended, to conform to the language of "system" Claim 14, upon which they all depended. It was Attorney Skwierawski's understanding from the Examiner's comments that the Examiner requested Applicant to submit such an Amendment, and Attorney Skwierawski Informed the Examiner that such an Amendment would be forthcoming immediately. As a result of the Examiner Interview on 26 April 2004, Applicant filed a "Supplemental Amendment and Statements of Substance" via facsimile on 26 April 2004 with a complete set of claims, including amended Claims 15-23. The receipt and entry of the paper by the Office is documented in PAIR.

Applicant notes errors with regard to the Notice of Allowability and the Examiner's Amendment. Specifically, the Examiner's Amendment states, "In line 1 of all of claims 15-21 and 23...." While the indicated Examiner's Amendment should be made to the listed claims, Claim 22 also is pending and dependent upon Claim 14, and also should have been changed.

Further, at Item 2 in the Notice of Allowability mailed with the Notice of Allowance, the claims indicated as being allowed in the case are "1, 2, 5-7, 13-23 and 99." Applicant respectfully submits that the claim listing IS ERRONEOUS in that it omits pending and allowed claims while introducing other, non-existent claims. The claims allowed in the application should be Claims 1, 2, 5-7 and 9-23.

In view of all of the above, Applicant respectfully requests that the amended claims entered by the "Supplemental Amendment and Statements of Substance" filed by Applicant on 26 April 2004 be used in any patent issuing on the present

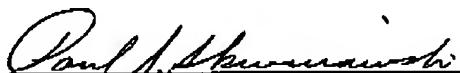
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application. Further, Applicant also respectfully requests that a Supplemental Notice of Allowability be mailed which indicates the correct claims which will be printed in the anticipated patent.

This Request is being submitted prior to payment of the Issue Fee due in the above-identified application, and in sufficient time for it to be directed to the proper Office personnel for entry and action, and is therefore timely. No fee is required for entry of this paper.

Respectfully submitted,



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